

REMARKS

Claims 1-38 and 40-52 are pending in the application. Claims 1-6, 35-38 and 40-47 are allowed. By virtue of this Amendment, claims 18, 30 & 34 are amended, and claims 19, 31 & 32 are cancelled.

I. Claim Rejections Under 35 U.S.C. § 102(b)

A. Claims 18-25

Claims 18-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dong (U.S. 5,864,956). At least with reference to at least claims 19 through 21, this rejection is traversed. Independent claim 18 is amended to incorporate the recitation of “at least three reference sides” of claim 19. Dependent claim 19 is canceled. For at least the reasons stated below, independent claim 18 and its dependent claims 20-29 are believed allowable.

1. Dong fails to show “at least three reference sides”

The Examiner asserts that “Dong disclosed said module having at least three reference sides.” Dong only discloses two reference sides. Dong recites that “[i]n order to allow the stacking of multiple ruler units, top and bottom surfaces 15 of the ruler units are precisely machined so as to be parallel to each other.” (Dong, column 2, lines 28-31.)

Dong describes other features but none of which are a “reference surface” that “defines a corresponding reference plane” as recited in claim 18. For example, Dong describes a “precisely machined central opening 6” (Dong, column 2, line 15) and a corresponding “protruding post 61” (Dong, column 2, line 16). Dong also describes “three corners 9 ... machined with right angles” and a “fourth corner 13 ... machined at a 45 [degree] angle.” (Dong, column 2, lines 25-27.) Neither the post 61 nor any of the corners form a “reference surface” that “defines a corresponding reference plane” as recited in amended claim 18.

2. Dong fails to show where a “housing has six sides, each being rectangular”

The Examiner stated that “Dong discloses said module ... defining six sides being rectangular in shape.” Claim 20 recites wherein a “housing has six sides, each being rectangular.” Dong shows a module having only five rectangular sides and not six. (See figures 2-4.)

3. Dong fails to show “rectangular sides each have linear dimensions of equal length thereby defining a cube”

The Examiner stated that “Dong discloses the rectangular sides having linear dimensions defining a cube.” Claim 21 recites “rectangular sides each have linear dimensions of equal length thereby defining a cube.” Dong appears to show a module with the sides of unequal length, therefore does not show a cube.”

Reconsideration of amended claim 18 and claims 20-25 is respectfully requested.

B. Claims 18 and 26

Claims 18 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rando (U.S. 6,005,719). This rejection is traversed.

1. Dong fails to show “reference sides”

Claim 18 recites, in part, “a housing having ... reference sides.” The Examiner states that “Dong discloses a laser tool having a housing (48, 100) having two or more reference sides.” Rando, however, fails to disclose a module having reference sides. Dong only shows a module resting on one of its sides and even that side is not used as a reference side. Dong states “The optical-mechanical mechanism inside steers the beams in the level and plumb directions even though the housing is not level.” (Rando, column 6, lines 10-12.) Rather than reference sides, Rando discloses internal actions that orient a beam of light. For example, for orientation of light Dong shows a laser suspended in a fluid (e.g., see figures 13, 14 & 19B) and, alternatively, a laser attached to a pendulum (e.g., see figures 11, 12 & 23).

Claim 26 depends on claim 18 and is allowable for at least the reasons of allowability of claim 18. Reconsideration and allowance of claim 18 and its rejected dependent claims 20-26 and objected to dependent claims 27-29 are respectfully requested.

C. Claims 30 and 31

Claims 30 and 31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Clinton (U.S. 2001/0027611). Claim 30 is amended to include the recitation of claim 31 and objected to but allowable claim 32. Claims 31 and 32 are canceled. At least for the reasons of allowability of claim 32, amended independent claim 30 is also allowable. Reconsideration and allowance of claim 30 and its dependent claims 33 and 34 are respectfully requested.

D. Claims 49 and 51

Claims 49 and 51 are rejected under U.S.C. § 102(e) as being anticipated by Jan et al. (U.S. 6,739,062). This rejection is traversed.

1. Jan fails to show a “magnet mounted” on one of the sides

Claim 49 recites a module comprising a housing having a “magnetic fastener including at least one magnet mounted for rotation on the second of the sides” and a “light source.” Jan discloses two parts, where a first part has a magnet but no light source and a second part that has a light source but no magnet.

Neither part has both a magnet and a light source as recited in claim 49. Jan’s first part (“body or base 11”) includes a “magnet” (116A or 161A). (See figure 1 and Jan, column 2, lines 36-44.) It does not include a light source. Jan’s second part (“rotational unit 13”) includes a “laser head” (131) and a “metal plate” (116B or 161B), where the metal plate 161B “is adapted to be magnetically coupled to the magnet 161A via the magnetic force emitted from the magnet 116A.” (Jan, column 2, lines 50-61.) Jan’s second part does not include magnet.

Jan's first and second parts separately each fail to disclose a "module comprising: a housing ... including at least one magnet ...; and a light source" as recited in independent claim 49. Furthermore, if Jan's first and second parts are considered together as a combined unit, the magnet 161A is no longer on a side of the housing and but rather positioned at the core of the housing.

Reconsideration and allowance of claim 49 and its dependent claims 50-52 are respectfully requested.

2. Jan fails to show a "magnet is movable in a cavity"

Claim 51 is allowable for at least the reasons of allowability of claim 49, from which claim 51 depends. Furthermore, claim 51 is allowable because the cited reference fails to disclose a magnet that is movable. Claim 51 recites "wherein the at least one magnet is movable in a cavity defined in the second side." The magnet 161A of Jan is not movable in a cavity but rather seated. Specifically, Jan states "the magnet 116A is seated around the absorptive unit 113 in a well 1121 that is recessed from the first surface 112." (Emphasis added; Jan, column 2, lines 43-44.) Reconsideration and allowance of claim 51 are respectfully requested.

II. Claim Rejections Under 35 U.S.C. § 103

A. Claims 7-8, 13-14 and 48

Claims 7-8, 13-14 and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dong (U.S. 5,864,956) in view of Jan et al. (U.S. 6,739,062). This rejection is traversed.

Independent claim 7 recites, in part, a "module comprising: a housing having ... a magnetic fastener ...; and a light source." As described above with reference to claim 49, Jan fails to disclose a module with both a magnetic fastener and a light source as the Examiner asserts. This failure of Jan is not overcome by the addition of Dong. Reconsideration and allowance of independent claim 7 are respectfully requested.

Claims 8, 13-14 and 48 each depend from independent claim 7. For at least the reasons of allowability of claim 7, its dependent claims are also allowable. Reconsideration and allowance of dependent claim 8, 13-14 and 48 are respectfully requested.

III. Claim Objections

Claims 9-12, 15-17, 27-29, 32-34, 50 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

For at least the reasons of allowability as stated above with respect to independent claims 7, 18, 30 and 49, the objected to claims, which have been shown to be allowable, are also allowable. Reconsideration and allowance of objected to claims 9-12, 15-17, 27-29, 32-34, 50 and 52 are respectfully requested.

IV. Allowed Claims

Claims 1-6, 35-38 and 40-47 are allowed. The Applicant appreciates the Examiner's allowance of claims 1-6, 35-38 and 40-47.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 549242002200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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